

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Don Nguyen, Evan Nguyen, and Matthew
 Nguyen,

Case No. 2:22-cv-00449-ART-DJA

Plaintiffs,

Order

v.

Pacific Life Insurance Company,

Defendant.

This is an insurance bad faith action arising out of decedent Tom Nguyen's life insurance policy through Defendant Pacific Life Insurance Company. Beneficiaries of the policy—Plaintiffs Don Nguyen, Evan Nguyen, and Matthew Nguyen—sue Defendant for damages, alleging claims for breach of insurance contract, breach of the duty of good faith and fair dealing, and statutory bad faith under Nevada law. Plaintiffs assert that Defendant looked for any reason to deny their claim to the policy after Tom Nguyen's death.

Defendant moves to seal an unredacted version of its motion for summary judgment and the exhibits thereto. (ECF No. 52). No party responded to the motion to seal. Because the Court finds that Defendant has demonstrated compelling reasons, it grants the motion to seal.

I. Background.

Defendant seeks to seal exhibits to its motion for summary judgment and portions of its motion for summary judgment because those exhibits and those portions of the motion refer to its internal underwriting and claim review guidelines that it designated confidential. It explains that those documents are competitively sensitive and proprietary, that they are developed internally, and that they are not made publicly available. Defendant adds that the insurance business is very competitive and that its underwriting and claims handling documents are key to its business strategy. This means that, if competitors obtained the information contained in those documents,

1 Defendant would lose its competitive advantage. Defendant adds that these materials are the
2 same that it previously moved to seal, which motion the Court granted. (ECF No. 45).

3 **II. Discussion.**

4 A party seeking to file a confidential document under seal must file a motion to seal and
5 must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*,
6 447 F.3d 1172 (9th Cir. 2006) and *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092
7 (9th Cir. 2016). A party seeking to seal judicial records attached to motions more than
8 tangentially related to the merits of the case must meet the "compelling reasons" standard. *See*
9 *Kamakana*, 447 F.3d at 1183; *Ctr. for Auto Safety*, 809 F.3d at 1101. For records attached to
10 motions not more than tangentially related to the merits of the case, the "good cause" standard
11 applies. *See Ctr. for Auto Safety*, 809 F.3d 1095, 1101. That a party has designated a document
12 as confidential under a protective order does not, standing alone, establish sufficient grounds to
13 seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133, 1138
14 (9th Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).
15 Failure to respond to a motion constitutes consent to the Court granting it under Local Rule 7-
16 2(d).

17 Here, as a preliminary matter, the Court finds that the compelling reasons standard
18 applies. The Court also finds that Defendant has met that standard. Additionally, no party has
19 opposed the motion. However, while Defendant has filed a public version of its redacted motion
20 for summary judgment, it has not filed public versions of the redacted exhibits.

21 Specifically, Exhibits D, E, F, and Y are redacted, but Defendant has nonetheless filed
22 them under seal. Defendant must file the redacted versions of those exhibits on the public docket
23 and unredacted versions of those exhibits under seal. Exhibits T, X, and Z are not redacted at all.
24 Defendant must file redacted versions of these exhibits on the public docket. Exhibits AA, BB,
25 CC, and DD have redaction outlines on them, but are not otherwise redacted. Defendant must file
26 redacted versions of these exhibits on the public docket. Defendant also must file the remainder
27 of the exhibits it did not seek to seal on the public docket.
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1 **IT IS THEREFORE ORDERED** that Defendant's motion to seal (ECF No. 52) is
2 **granted**. The motion for summary judgment and exhibits filed under seal at ECF No. 51 shall
3 remain sealed.

4 **IT IS FURTHER ORDERED** that, on or before **October 13, 2023**, Defendant must file
5 redacted versions of Exhibits D, E, F, T, X, Y, Z, AA, BB, CC, DD, and the remaining exhibits
6 that Defendant does not seek to seal on the public docket.

7 **IT IS FURTHER ORDERED** that , on or before **October 13, 2023**, Defendant must file
8 unredacted versions of Exhibits D, E, F, and Y under seal.

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10 DATED: September 29, 2023

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12 _____
13 DANIEL J. ALBRECHTS
14 UNITED STATES MAGISTRATE JUDGE
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